

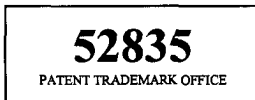
REMARKS

Favorable reconsideration is respectfully requested in view of the above amendments and following remarks. Claim 22 has been amended editorially. Applicant requests that non-elected claims 18-21 be reinstated for allowance if claim 22 is found allowable. Claims 2-17 and 22 are pending. No new matter has been added.

Claim rejections - 35 U.S.C. § 112

Claim 22, with dependent claims 2-17, is rejected under 35 USC 112, second paragraph, as being indefinite. Claim 22 recites (a) pretreating a sample by adding a first fructosyl amino acid oxidase (FAOD) to the sample so that the first FAOD acts on a non-analyte glyated amine that is present in the sample and different from a glyated protein as an analyte, thereby reducing an influence of the non-analyte glyated amine on a determination of an amount of the glyated protein as the analyte, (b) adding a protease to the sample, thereby degrading the glyated protein as the analyte contained in the sample with the protease, and (c) after step (b), causing a redox reaction to occur without performing any one of the following: (1) adding an additional amount of the first FAOD, and (2) adding a second FAOD that is different from the first FAOD, so that in the redox reaction, the first FAOD added in the pretreatment acts on the degradation product of the glyated protein. Applicant submits that claim 22 and its dependent claims are definite.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the attorney-of-record, Douglas P. Mueller, Reg. No. 30,300, at (612) 455.3804.



Dated: April 5, 2010

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By: _____

Douglas P. Mueller
Reg. No. 30,300